

REMARKS

Claims 1-24, 26-32, and 35-61 are now presented for examination. Claims 1-24, 26-32, and 60 have been amended to define still more clearly what Applicants regard as their invention. These changes are made for the purposes of clarification only, and no change in scope of these claims is either intended or believed to be effected by these changes. Claim 61 has been added to provide Applicants with a more complete scope of protection. Claims 1 and 10 are in independent form.

In the Office Action, the Examiner alleged the existence of two distinct inventions:

I. Group I (Claims 1-18, 43, 45, 47, 49, 51, 53, 55, 57, and 59, drawn to encoding and mapping an information signal to be transmitted, classified in class 375, subclass 260; and

II. Group II (Claims 19-24, 26-32, 35-42, 44, 46, 48, 50, 52, 54, 56, 58, and 60, drawn to demapping and decoding a received signal, classified in class 375, subclass 341.

The Office Action states that Groups I and II are related as two subcombinations disclosed as usable together in a single combination.

Applicants hereby elect to prosecute the Group I claims, namely Claims 1-18, 43, 45, 47, 49, 51, 53, 55, 57, and 59. The restriction requirement is, however, respectfully traversed.

Traversal is on the ground that there would not be a serious burden on the Examiner in examining both groups of claims in a single application. In particular, MPEP § 803 makes it clear that “[i]f the search and examination of an entire application can be

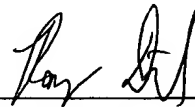
made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions.” In meeting the initial criteria, a serious burden may be *prima facie* shown if the Examiner shows either separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by Applicant.

Thus, although the Examiner has alleged separate classifications of the identified inventions, Applicant submits that the inventions are not so distinct as to present a serious burden on the Examiner in examining all of the claims in a single application. More particularly, Claim 61 (a linking claim which links the two groups) has been added as recited above, whereby examination of the linking claim would necessarily encompass a search for prior art relevant to the non-elected claims. Accordingly, Applicants submit that examination of all of the claims in a single application would not be a serious burden. As such, reconsideration and withdrawal of the restriction requirement are respectfully requested.

No petition to extend the time for response to the Office Action is deemed necessary for the present Response. If, however, such a petition is required to make this Response timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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